



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States Courthouse
300 Quarropas Street
White Plains, New York 10601*

August 9, 2019

BY ECF

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *United States v. Nicholas Tartaglione, S4 16 Cr. 832 (KMK)*

Dear Judge Karas:

Pursuant to the Court's order dated August 2, 2019, the Government respectfully submits this letter on behalf of the parties to advise the Court regarding the need for redactions and sealing of certain motion papers and exhibits. As the Court is aware, some of the materials appended to or discussed in the defendant's pretrial motions filed on August 2 were governed by the protective order entered on January 12, 2017 (Dkt. No. 12) (the "Protective Order"). The parties have conferred regarding what portions of these materials should be redacted from public filings in compliance with the Protective Order. With respect to Exhibits A, C, and D to the defendant's motion to suppress cell site evidence, the parties have agreed on the portions that should be redacted, and defense counsel will file redacted versions on ECF. With respect to the defendant's motion to suppress certain statements, the parties have agreed on some portions of the motion that should be redacted,¹ but disagree as to whether discussion of the defendant's statements, which have not been designated as "sensitive" under the Protective Order, should be redacted. The Government understands that defense counsel plans to write the Court separately to address the need for sealing of the defendant's statements, and the Government respectfully requests an opportunity to respond. Until the Court has ruled on the appropriateness of sealing the defendant's statements, the parties have agreed that the motion and the accompanying exhibits will not be

¹ Pursuant to the parties' agreement, Exhibit A to the motion to suppress statements will also be filed under seal.

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publicly filed, and respectfully request that the Court order the continued temporary sealing of these materials.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Jason Swergold
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Assistant United States Attorneys

Cc: Counsel of record (by ECF)